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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,719	01/08/2004	Tah-Yeong Lin	JCLA12587	6275

23900 7590 07/26/2005

J C PATENTS, INC.
4 VENTURE, SUITE 250
IRVINE, CA 92618

EXAMINER

SMITH, PHILIP ROBERT

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

TAL

Office Action Summary	Application No. 10/753,719	Applicant(s) LIN, TAH-YEONG	
	Examiner Philip R. Smith	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

- [01] The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
- [02] The disclosure, including the abstract & specification, is objected to because it is replete with grammatical errors. Appropriate correction is required.

Claim Objections

- [03] Claims 1 & 7 are objected to because of the following informalities: --a capsule endoscopy-- is grammatically incorrect. Claims 6 & 11 refer to --the digest tract--, commonly referred to as --the digestive tract--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

- [04] The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

- [05] Claims 1-11 are rejected under 35 U.S.C. 102(a) as being anticipated by Fujita et al. (2003/0085994), published 8 May 2003.
- [06] *With regard to claim 1:* Fujita discloses a capsule endoscopy system ("capsule

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type endoscope device 1," [0047]), adapted to transform an image of a digestive tract into an image data and to transmit the data, comprising:

- [07] a capsule endoscope ("capsule type endoscope 3," [0047]), having a first transceiver ("antenna 23," [0049]), wherein the capsule endoscope is adapted to capture an image of the digestive tract and to transform the image into the image data ("image-pickup element 17," [0051]);
- [08] a data recorder ("external unit 5," [0058]), having a second transceiver ("antenna 11," [0058]), a third transceiver ("connector 30," [0059]) and a memory ("hard disk 29," [0058]), the second and the third transceivers coupled to the memory; and
- [09] an image processor ("terminal device 7 such as a personal computer," [0048]), wherein the first transceiver of the capsule endoscopy transmits the image data to the second transceiver of the data recorder, which is stored in the memory and transmitted to the image processor by the third transceiver.
- [10] *With regard to claims 4 & 7:* The image processor disclosed by Fujita inherently has a fourth transceiver, adapted to receive the image data transmitted from the third transceiver, which enables it to "capture into a terminal body 9 an image stored in the external unit 5" ([0048]).
- [11] *With regard to claims 2 & 8:* Once initialized, the first transceiver disclosed by Fujita sends continuous signals to the second transceiver.
- [12] *With regard to claims 3, 5 & 9-10:* Fujita discloses a trigger ("control circuit 34," [0058]) which enables transmission between the third and fourth transceivers.

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- [13] *With regard to claims 6 & 11:* Fujita discloses a display ("monitor portion 8c," [0048]) coupled to the image processor for displaying the image of the digestive tract.

Conclusion

- [14] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Adler (2004/0258328), Cho (2004/0106849), D'Andrea (2003/0191430), Yokoi (2003/0171653) & Frisch (6904308) all disclose capsule endoscopes which transmit data.
- [15] Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip R Smith whose telephone number is (571) 272 6087 and whose email address is philip.smith@uspto.gov. The examiner can normally be reached between 9:00am and 5:00pm.
- [16] If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272 4764.
- [17] Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the

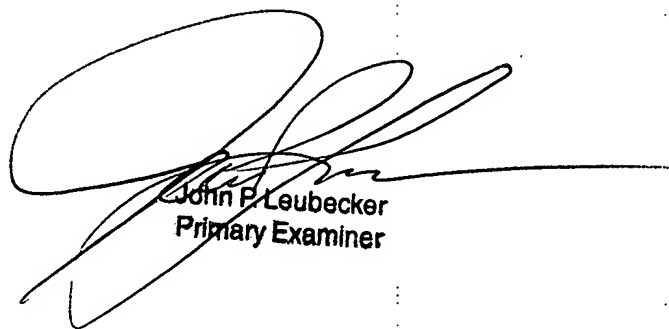
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Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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John P. Leubecker
Primary Examiner